

As noted by the added emphasis, the passage clearly teaches that pigments, dyes, and other materials can be added, but are not required. Thus, the absence of such materials is also taught by the passage at page 11, lines 11-15, thereby supporting the amendments to claims 1, 21, and 42. The Patent Office also relies on page 14, lines 1-3, which state:

Other ingredients are often added such as surfactants, emulsifiers, pigments, and the like during the preparation of such microbeads. . . . (Emphasis added.)

The passage indicates that the stated ingredients are "often added," but does not require addition of such ingredients, again supporting their absence as set forth in claims 1, 21, and 42. Reconsideration and withdrawal of the objection and the rejection in view of the specification as filed are in order, and are respectfully solicited.

Claims 1, 21 and 42 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for use of "CIELAB value b*" and "on exposure to UV light of 50 Klux for one week." For at least the following reasons, Applicants traverse the rejection.

With regard to the use of "CIELAB," Applicants note the term is widely used in industry to denote a definition of color space developed by CIE, the International Commission on Illumination, abbreviated as "CIE" from its French title, Commission Internationale de l'Eclairage. CIE is a professional organization and is recognized by the International Standard Organization, ISO, as an international standardization body. "LAB" is an abbreviation corresponding to how color space was defined by CIE: **L** describes relative lightness; **A** represents relative redness-greenness; and **B** represents relative yellowness-blueness. CIELAB is not a tradename or a trademark, but an accepted international standard of color space measurement developed by CIE. The term "CIELAB" is used in the same manner as saying something conforms to a specific ISO standard, or JIS standard.

With regard to the rejection of the phrase "on exposure to UV light of 50 Klux for one week," Applicants assert that this describes a physical property of the

microbeads, similar to the definition of thermal stability in claims 1, 21, and 42. Whether or not one subjects the microbead to UV light of 50 Klux for one week, the microbead used must meet the physical requirement that upon such exposure, the resultant change in b^* would be less than or equal to 0.2. Thus, the feature is not conditional, but describes a physical property of the microbead.

Reconsideration and withdrawal of the rejections in view of the above remarks are in order, and are respectfully requested.

Claims 1, 2, 5, 7, 9-17, 21, 22, 24-26, 28-36 and 39 are rejected under 35 U.S.C. 102(b) over Maier et al. Claims 18, 19, 37 and 38 are rejected under 35 U.S.C. 103(a) over Maier et al. Claims 8 and 27 are rejected under 35 U.S.C. 103(a) over Maier et al. in view of Saito et al. Claim 40 is rejected under 35 U.S.C. 103(a) over Maier et al. in view of Hart et al. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) over Maier et al. in view of Harrison et al. For at least the following reasons, each and every rejection is traversed.

Independent claims 1, 21, and 42, from which all other rejected claims depend, are directed to a shaped article, or a thermal transfer sheet, comprising a continuous first polymer phase having dispersed therein microbeads of a cross-linked second polymer, wherein the microbeads are free of colorant. The microbeads have the following physical properties: they are thermally stable, having a 2% weight loss above 270°C; and they have a change in CIELAB b^* toward yellowness less than or equal to 0.2 on exposure to UV light of 50 Klux for one week. Applicants invention is recognizing and setting forth that an acrylic-containing microbead free of colorants and with a minimal amount (less than 10% by weight) of styrenic monomers does not experience the yellowing typical of styrenic monomer-containing materials, and also has improved thermal stability as compared to such styrenic monomer-containing materials.

All rejections depend on Maier et al. as the primary reference. It was admitted by the Patent Office at page 4 of the Office Action mailed March 29, 2004, that Maier et al. "fail to explicitly teach that the microbeads have a change in CIELAB value b^* towards yellowness on exposure to UV light wherein the change in b^* is less

than or equal to 0.2." Further, there is no specific teaching or suggestion that the materials of Maier et al. have a 2% weight loss above 270°C, as required by the claimed invention. The Patent Office has failed to present a prima facie case.

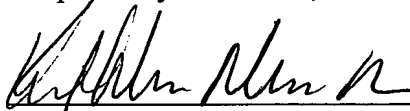
None of the tertiary references of Saito et al., Hart et al., or Harrison et al. cure the deficiencies of Maier et al. Thus, none of the references, taken alone or in any combination, disclose or suggest the subject matter of the claimed invention as set forth in any of the claims. In particular, none of the references, alone or in any combination, teach, disclose or suggest shaped articles, including thermal receivers, including styrenic microbeads free of colorant which have physical properties resulting in a change in CIELAB value b^* towards yellowness on exposure to UV light of 50 Klux for one week less than or equal to 0.2, and an increased thermal stability evidenced by a 2% weight loss above 270°C.

In view of the above remarks, reconsideration and withdrawal of the rejections are in order, and are respectfully requested.

Applicants assert all pending claims are in condition for allowance for at least the reasons set forth herein. Prompt and favorable action in the form of a Notice of Allowance is respectfully requested.

Should the Examiner require anything further, the Examiner is invited to contact Applicants' undersigned representative.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.